

REMARKS

This Amendment is submitted responsive to the Advisory Action mailed February 2, 2006 in which claims 1-13 were not allowed.

Claims 1-13 were rejected under 35 USC § 102(e) as anticipated by House et al., USP 6,648,305. Claims 14 -17 were earlier withdrawn from further consideration.

With regard to claim 1, an independent claim which recites "... a depression formed within and surrounded by said end of said tensioner"

The area identified by the letter "A" in the rejection is located "on" the exterior of the tensioner of the prior art, not "within" the end of the tensioner of the claimed invention. This is important because the hollow depression of the claim allows the insertion of a tool such as a portion of a ratchet wrench or a torque wrench without a socket thereon to provide torque to tighten the fencing material. This prevents the slippage of open end or box end wrenches around the stub of the tensioner during tightening and the resulting rounding of the corners of the disclosed prior art surface of the exterior of the tensioner.

The LANGENSCHEIDT'S NEW COLLEGE MERRIAM WEBSTER English Dictionary was copyrighted in the United States in 1996 by Merriam Webster, Inc. Springfield, Massachusetts Attachment A..

The above English Dictionary, defines a "depression" with several definitions, but with one definition relevant to the mechanical device being claimed. That definition is "a depressed place or part: hollow."

This, just recited definition is shown on page 311 of The LANGENSCHEIDT'S NEW COLLEGE MERRIAM WEBSTER English Dictionary, Attachment B, at the point in the left column where

an arrow has been inserted.

The usage of the term "depressed" to describe the hollow opening 44 within the end of the tensioner 26 shown in Fig. 3 of the application drawings is consistent with the drawing and clearly and precisely defines the depressed region as within and its location.

The prior art, House et al., does not show, teach or illustrate and does not describe a depressed area within the end of the tensioner.

Accordingly, the claim is not anticipated and the claim should not be rejected and should be allowed.

Similarly, all claims dependent upon Claims 1 and 8 should also be allowed on the same basis as they are not anticipated by the cited prior art.

In order to provide a complete response to the Final Rejection, Applicant now will answer the rejection of all the dependent claims.

Claim 2, dependent upon claim 1 and containing the same limitations of claim 1, should be allowed.

Claim 3 requires a unitary body.

The LANGENSCHEIDT'S NEW COLLEGE MERRIAM WEBSTER English Dictionary cited above, at page 1293 at a point indicated by an arrow defines "unitary" as "having the character of a unit: undivided, whole."

The device disclosed by House, et al. does not show or teach a unitary body, as defined by the identified English Dictionary. The body of House, et al. is a divided device having two separate

elements that overlay one another to form an assembled device. The body is not unitary and the addition of the two ended device does not cause a formation of a unitary body.

Also, claim 3 is dependent upon claim 1 and accordingly contains all the limitations of claim 1.

Accordingly, claim 3 should be allowed and passed to issue.

Claim 4, is dependent upon claim 1 and as such contains all limitations of claim 1 which are allowable and as such would render claim 4 allowable. Claim 4 is allowable and should be allowed.

Claim 5 requires a widening 31 of said opening 34 to accommodate thickened portions of said flexible member surrounding the wires imbedded within the fencing material and the engagement of the webs between the thickened portions of the flexible member as well as the coated wires by the slot 34 and the openings 31 in the slot 34, distributing the forces on the fence member.

The opening 46 of the prior art, House et al., does not disclose nor teach a widening of the opening extending substantially parallel to the axis of the cylinder. Items 36, 38 and 40 are grooves cut or formed into the circumferential periphery of the cylinder. This cutting forming into the periphery of the cylinder does nothing to widen the opening at any point along its length. The opening will only engage the thickened portion of the flexible material where the wires are enclosed and will not engage nor permit engagement of the webs between the thickened portion of the flexible material by the cylinder, between the wires as does Applicant's device. The widening of the slot is not a portion or part of the forming of a channel circumscribing the slot formed into the tensioner body. The widening of the slot allows the slot to more accurately engage the web between the widenings and accept the widened portion of the fencing segment.

This limitation of a widened slot is not found in the prior art cited, House et al. The slot is the same width at all points along the length of the slot as is clearly observable in Figs. 1, 3, 4 and 6

of the House et al patent. Accordingly, claim 5 should be allowed and passed to issue.

Claim 6 requires a specific location of the widened opening or the slot 34. The opening in House et al does not have any widened locations and therefore does not meet the claim of Applicant.

Claim 6 is dependent upon claim 5 and indirectly upon claim 4 and claim 1 and contains all limitations of claims 1, 4 and 5.

Accordingly, claim 6 should be allowed as not met by the teachings or disclosure of the prior art cited and relied upon, House et al., for the reasons set forth above with respect to claims 1, 4 and 5.

Claim 7 has been amended to substitute the proper word "tension" into the claim. The spring in the House, et al patent is a leaf spring and not a tension spring. The leaf spring of House et al. is a solution to biasing the pawl but is a short cited solution. The leaf spring must be of a light weight material in order to function as a bias member and bias the pawl into engagement with the pawl. The reforming of the spring 78 to properly bias the pawl 70 in House et al. will require the removal of the spring and reforming or replacement of the spring 78 in order to return the mechanism to full functionality. In Applicant's device, the tension spring can be designed to the proper tension and when operated will provide a constant spring force at the point of engagement of the pawl with the tensioner 26 eliminating the need to reform the leaf spring with its disassembly from the tensioner device or the need to disassemble the leaf spring from the tensioner device to permit its replacement.

Claim 7 is dependent upon Claim 2 and indirectly upon Claim 1.

Accordingly, claim 7 should be allowed as it contains the allowable limitations of claims 1 and 2 through dependency from allowable claims.

Claim 8 requires that the pawl have a face on its engaging end that is perpendicular to the pawl.

The pawl end of House et al. is a partial cylindrical surface and the face is not perpendicular to the body of the pawl. The pawl end of House, et al. being a partial cylinder and the receiving surface being concave in nature and a further partial cylinder will engage the ratchet wheel at only a line of contact with the ratchet wheel if the pawl is of smaller diameter than the concave cylindrical portion of the ratchet wheel because of variations in the manufacturing of the two surfaces. The engagement of the pawl end or face of the pawl is not a surface (a surface having an x and y dimension and a flat plane) positioned perpendicular to the pawl as claimed. The end of the pawl of House et al. will engage the ratchet wheel on the end of the tensioner at either one or two wrays if the pawl is formed with a larger diameter tip than the receiving surface of the ratchet wheel and will not engage the pawl with the ratchet over the entire face as in Applicants case.

The fact that the receiving surface of the ratchet wheel of House et al. is provided with sides that are not a radius of the ratchet wheel will require that the ratchet wheel be rotated in excess of that necessary to properly tension the fencing element and will result in stretching the fencing element and the resulting loosening of the fencing element when the pawl clears the material of the ratchet tooth and reversed rotation to seat the pawl.

The pawl of Applicant only requires that the pawl clears the ratchet wheel and engages the wheel with the surface that is perpendicular to the pawl and does not require the over-stretching of the fencing element.

Claim 8 further requires a "depression within and surrounded by the end of the tensioner cylinder. This is discussed above with respect to Claim 1 and that discussion is incorporated at this point by reference.

Accordingly, claim 8 is not anticipated and should be allowed.

Claim 9 requires a "unitary body."

The "unitary" definition is discussed above with respect to claim 3 and that discussion is incorporated at this point by reference and while not repeated is equally applicable to claim 9.

Accordingly, claim 9 should be allowed.

Claim 10 is dependent upon claim 8 and as such contains all the limitations of claim 8.

Accordingly, claim 10 should be allowed.

Claim 11 requires a widening of the opening in claim 10, which in turn is dependent upon claim 8.

The widening of the opening is discussed with respect to claim 5 and such discussion is incorporated by reference at this point and directed to claim 11 which is dependent upon claims 10, 8 and 1.

Accordingly, claim 11 should be allowed as it is not anticipated by the prior art and is thus not rendered unpatentable.

Claim 12 requires specific locations of the widening of the opening in claim 11. The discussion directed to claim 6 should be and is incorporated at this point and directed toward claim 12, by reference.

Accordingly, claim 12 should be allowed as not being anticipated by the cited reference, House et al.

Claim 13 requires a tension spring which is not present in the reference cited, House et al.

Accordingly the claim is not anticipated. Claim 13 is further dependent upon claim 9 and indirectly upon claims 8 and 1. As stated above, the limitations of claims 1, 8 and 9 are not met by the cited prior art and accordingly not anticipated and allowable.

Claim 13, dependent upon allowable claims, is patentable over the House et al. reference and is therefore allowable and should be allowed.

Applicant believes that the application is in condition for allowance and should be allowed for the reasons set forth above.

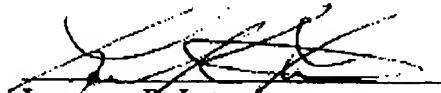
The amendments made in this amendment are for the purpose of correcting spelling and grammatical errors as well as to define the amended claims in a precise manner to overcome the positions taken by Examiner contrary to the defined terms and were not made to overcome the prior art.

Applicant respectfully requests the reexamination and reconsideration of claims 1 - 13, and the allowance of all claims.

(Continued on the following page)

Applicant respectfully requests that Examiner telephone Applicant's Attorney to clarify any point that is not clear and that would enhance the prosecution of this application to allowance.

RESPECTFULLY SUBMITTED



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